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RUEHLO/AMEMBASSY LONDON PRIORITY 3672  
RUEHNE/AMEMBASSY NEW DELHI PRIORITY 0855  
RUEHNY/AMEMBASSY OSLO PRIORITY 3755  
RUEHKO/AMEMBASSY TOKYO PRIORITY 2835  
RUEHCG/AMCONSUL CHENNAI PRIORITY 7591  
RUEHBI/AMCONSUL MUMBAI PRIORITY 5292  
RUEHGV/USMISSION GENEVA PRIORITY 1967  
RHHMUNA/HQ USPACOM HONOLULU HI PRIORITY  
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C O N F I D E N T I A L SECTION 01 OF 02 COLOMBO 000563

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DEPARTMENT FOR SCA/INS  
MCC FOR S GROFF, D NASSIRY, E BURKE AND F REID

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TAGS: [PGOV](#) [PREL](#) [PTER](#) [PHUM](#) [MOPS](#) [CE](#)  
SUBJECT: IIGEP'S GLACIAL PROGRESS DISCOURAGING

REF: A. COLOMBO 525

- [1](#)B. COLOMBO 511
- [1](#)C. COLOMBO 402
- [1](#)D. COLOMBO 290
- [1](#)E. AND PREVIOUS

Classified By: Ambassador Robert O. Blake, Jr., for reasons 1.4(b,d).

[1](#)1. (C) Summary. International Independent Group of Eminent Persons (IIGEP) Assistants Rohan Titus and David Savage called on the DCM on April 10 to give an update on IIGEP's progress. The Commission of Inquiry (CoI) plans to finally hold public hearings for several days in May, June, and July.

So far, the IIGEP has received only one police case file from the CoI. On March 27, the Chairman of the CoI announced that the CoI will appoint an independent legal counsel to the Panel of Counsel on the recommendation of IIGEP, but that the Attorney General's (AG) office will retain a key role in the CoI despite the apparent conflict of interest. Once the CoI's Victim Witness Protection Unit (VWPU) is established, IIGEP plans to conduct workshops to help train VWPU staff. The CoI has agreed to accept the IIGEP Assistants as representatives of the EPs in their absence (ref c). The second plenary IIGEP meeting will be held from May 11-14 in Colombo. However, with half of the CoI's 12-month mandate already lapsed, and no substantive progress, it is doubtful that the Commission will be able to fulfill its objective of investigating 16 major human rights cases, within the time frame of its mandate. End Summary.

[1](#)2. (C) IIGEP Assistants Rohan Titus and David Savage called on the DCM on April 10 to give an update on IIGEP's progress and outline some of the recent successes and challenges. The Assistants explained that the CoI has three sub-units which are currently being assembled: the Investigative Unit, the Panel of Counsel, and the Victim Witness Protection Unit. The CoI has yet to commence any formal hearings. On March 21, the Secretary of the CoI informed IIGEP in writing that public hearings will be held for 5 days in May, 6 days in June, and 8 days in July, but failed to specify which dates.

So far, IIGEP has received only one police case file (the August slaying of NGO workers in Muttur) from the CoI. A second case file was sent to IIGEP on April 4, but was too incomplete to review. The second plenary IIGEP meeting will be held from May 11-14 in Colombo.

#### Set-Up Hurdles Continue to Slow Progress

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13. (C) On March 27, the Chairman of the CoI announced that the CoI will appoint an independent legal counsel to the Panel of Counsel on the recommendation of IIGEP. The CoI had previously intended to use a Panel of Counsel consisting entirely of members of the AG's office (ref c). It appears, however, that the AG's office will retain a key role in the CoI, possibly even remaining on the Panel of Counsel along with the independent counsel. The IIGEP is currently waiting for a formal written response outlining the AG's revised duties within the CoI.

14. (C) One of the biggest hurdles to the CoI's progress is Sri Lanka's complete lack of witness protection capacity. According to IIGEP staff, several NGOs have informed the CoI that they have potential witnesses identified who cannot come forward to testify until witness protection measures are in place. The CoI is in the process of constituting a Victim Witness Protection Unit (VWPU). According to IIGEP, the most likely candidate to head the new unit is Deputy Inspector General of Police Jayakumar Thangavelu, Sri Lanka's most senior Tamil police officer. Thangavelu, a well-respected human rights advocate, is scheduled to retire in November 2007. IIGEP staff say he is worried that after his retirement he would not have the clout necessary to

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effectively serve in the position. According to IIGEP, there is an ongoing dispute between the Presidential Secretariat, the CoI, and the Police Force over who will pay the salaries of the Head and Deputy Head of the VWPU. Once the VWPU is established, IIGEP plans to conduct workshops, in partnership with the UN's Office of the High Commissioner on Human Rights, Sweden and the United Kingdom, to help train the VWPU and Investigative Unit staff. A second workshop is planned for judicial authorities and the CoI Commissioners.

#### Role of IIGEP Assistants Clarified

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15. (C) Following the submission of a letter from each Eminent Person (EP), the CoI has agreed to accept the IIGEP Assistants as representatives of the EPs in their absence (ref c). The Rules of Engagement for interaction between the CoI and the Assistants have been drafted by IIGEP and reviewed by the CoI. IIGEP staff told the Embassy that the two sides are close to agreement on a final version. One outstanding issue regarding the Assistants is the absence of diplomatic immunity. The Government of Sri Lanka (GSL) has made it clear that only EPs will have full diplomatic immunity, and that Assistants will have some unspecified lesser degree of immunity that applies only to actions related to their work for the IIGEP. Many assistants worry that this leaves them exposed to retaliation, once their work begins, if they incriminate law enforcement and security officials. At IIGEP's request, Minister of Disaster Management and Human Rights Mahinda Samarasinghe promised that the GSL would provide a clear written explanation of the Assistants' immunities.

16. (C) Comment: The GSL is quick to point to the CoI and the IIGEP as evidence of its commitment to human rights. However, it doesn't appear that the GSL is putting in the necessary effort to make sure the CoI succeeds. The mandate of the CoI extends only through November 2007. With nearly half of the CoI's 12-month mandate already lapsed, and no substantive progress, it is doubtful that the Commission will be able to fulfill its objective of investigating 16 major

human rights cases within the time frame of its original mandate. Embassy will look for opportunities to urge the GSL to accelerate the establishment of the VWPU so the Commission can get on with its work as soon as possible.

BLAKE